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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/740,771	12/19/2000	Christopher J. Scafidi	100.154US01	5416	
34206 7.	590 08/11/2004		EXAMINER		
FOGG AND ASSOCIATES, LLC P.O. BOX 581339			NGO, HUNG V		
MINNEAPOLIS, MN 55458-1339			ART UNIT	PAPER NUMBER	
			2831	2831 DATE MAILED: 08/11/2004	
			DATE MAILED: 08/11/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application (Application (_				
### Examiner ### Hung V Ngo ### Period for Reply AFT Unit ### Hung V Ngo ### Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the parties of reply specified screen is best than this (you have a reply be timely ided enter the 3X (8) MONTHS from the mailing size of this communication. If the parties of reply specified screen is best than this (you have a reply with the adabation prisemum of this; (30) days will be considered timely. If the parties of reply specified screen is best than this; (20) days, a reply within the adabation prisemum of this; (30) days will be considered timely. If the parties of reply within the set or extended period for reply will by seasilist, cause the application to become ABANDONED (30 U.S.C. § 130). Any reply produce by the Official set than the replication is date of this communication, even if timely filled, may reduce any correspondent term adjustment. See 37 CFR 1.70-(b). Status 1) □ Responsive to communication(s) filled on 20 May 2004. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2c) □ This action is FINAL. 2c) □ This action is FINAL. 2c) □ This action is formation of a condition of a c		Application No.	Applicant(s)			
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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 86, 87, 90-93 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogan et al.

Bogan et al disclose first and second partial shells (12, 14), enhancing heat transfer by disposing a conformable thermally conductive material or weatherproof material (18a, 18b)(col. 6, lines 25-30) between the first and second partial shells (re claims 86, 90-93)

Re claim 87, see Fig 1

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bogan et al in view of Nakagawa.

The teaching of Bogan et al as discussed above does not disclose the first and second shells pivoting about a common axis.

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Nakagawa teach the use of a hinge (7) for rotating a lid or a partial shell. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the hinge with the partial shell of Bogan et al for the purpose of rotating the partial shell to a certain angle

Response to Arguments

Applicant's arguments with respect to claims 86-88, 90-93 have been considered but are most in view of the new ground(s) of rejection.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Thursday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-2800 EXT 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVN 08-08-04

> HUNG V. NGO PRIMARY EXAMINER

Hmy V Ngl